

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q94204

Satoshi KOBAYASHI, et al.

Appln. No.: 10/574,563

Group Art Unit: 1626

Confirmation No.: 1890

Examiner: Joseph R KOSACK

Filed: April 4, 2006

For: AROMATIC COMPOUND

APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705

MAIL STOP PATENT EXTENSION

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Applicant hereby respectfully requests correction of the Patent Term Adjustment (PTA) listed in the Notice of Allowability mailed March 17, 2010, in the present application from 256 days to 594 days. This reflects the 338 days of USPTO delay under 37 C.F.R. § 1.703(b) from the 3-year anniversary of the present application's entry into the National Stage (April 4, 2006) and the filing of the March 8, 2010, RCE. This 338 day delay is not reflected in the PTA reported in the Notice of Allowability or in PAIR.

In accordance with 37 C.F.R. § 1.705(b) this Application for Patent Term Adjustment is being filed no later than the payment of the issue fee, and is therefore timely filed. The Director is authorized to charge Deposit Account No. 19-4880 for the required fee as specified in 37 C.F.R. § 1.18(e) (\$200.00).

As required by 37 C.F.R. § 1.705(b)(2), a Statement of the Facts is set forth below.

I. Statement of the Facts***A. The correct patent term adjustment and the basis or bases under §1.702 for the adjustment***

Pursuant to 37 C.F.R. § 1.702(a), Applicant submits that the total correct patent term adjustment for the present application is currently 594 days. As discussed in further detail below, this number is derived from the sum of the Office's delay calculated from §§ 1.702(a-e) (772 days under §§ 1.703(a) and (b)), minus the sum of Applicant's delay calculated from § 1.704 (178 days).

B. Delay attributable to the USPTO (the relevant dates as specified in §§1.703(a) through (e) for which an adjustment is sought)

Applicant respectfully submits that the total delay attributable to the USPTO under 37 C.F.R. § 1.703 is 772 days, rather than the 434 days previously calculated by the USPTO. The USPTO's calculation included the delay under 37 C.F.R. § 1.703(a) of 434 days between the 14-month anniversary of the present application's entry into the National Stage (June 4, 2007) and the Restriction Requirement of August 11, 2008. However, the USPTO's calculation did not include its delay under 37 C.F.R. § 1.703(b)(1) of 338 days between the 3-year anniversary of the present application's entry into the National Stage (April 4, 2009) and the filing of the March 8, 2010, Request for Continued Examination.

Accordingly, as set forth above, Applicant respectfully submits that the total delay attributable to the USPTO under 37 C.F.R. § 1.703(a)-(e) is 772 days.

C. Delay attributable to Applicant (any circumstances during the prosecution of the application resulting in the patent that constitute a failure to engage in reasonable efforts to conclude processing or examination as set forth in § 1.704)

Applicant respectfully submits that the total delay attributable to the Applicant under 37 C.F.R. § 1.704 is 178 days, as already calculated by the USPTO. This delay stems from the sum of the 91 day delay under 37 C.F.R. § 1.704(b) between the USPTO's mailing of the December 23, 2008, Office Action and Applicant's June 22, 2009, Response, and the 87 day delay under 37 C.F.R. § 1.704(b) between the USPTO's mailing of the September 11, 2009, Office Action and Applicant's March 8, 2010, Response.

Therefore, as set forth above, the total delay attributable to Applicant is 178 days.

D. Whether the application is subject to a terminal disclaimer and any expiration date specified in the terminal disclaimer

The present application is not subject to a Terminal Disclaimer.

E. The adjustment as specified in 37 C.F.R. § 1.703(f) to which the '563 Application is entitled

The total amount of PTA is specified in 37 C.F.R. § 1.703(f) as being the period of delay attributable to the USPTO under 37 C.F.R. §§ 1.703(a-e) less the amount of delay attributable to Applicant under 37 C.F.R. § 1.704. Accordingly, Applicant respectfully submits that the present application is entitled to 594 days of PTA. This number is derived from the sum of the delay attributable to the USPTO under §§ 1.702(a-e) (772 days), minus the sum of the delay attributable to Applicant under § 1.704 (178 days).

II. Conclusion

In summary, Applicant respectfully submits that it is proper that the USPTO grant Applicant's Application for Patent Term Adjustment. Favorable consideration is respectfully requested.

Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

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CUSTOMER NUMBER

Date: June 17, 2010

Hui Chen Wauters
Hui C. Wauters
Registration No. 57,426